

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHANNON GIBSON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-CV-163-SPM
)	
OFFICER UNKNOWN HADZIC, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Leave to File Amended Complaint (Doc. 10). Plaintiff attached his proposed Complaint and Demand for Jury Trial to his Motion. (Doc. 10-1). After a review of the Motion and his proposed Complaint, the Court finds the requirements of Rule 15, Federal Rules of Civil Procedure ("Rule(s)"), are met. *See* Fed. R. Civ. P. 15(a). The Court will grant Plaintiff's Motion.

Because the Court grants the Motion, Plaintiff's proposed amendment is now the operating pleading of his case, and all prior Complaints are void. Because of this, Plaintiff is required to serve the new Complaint on the named Defendants. As Plaintiff is not proceeding *in forma pauperis* in this matter, the Court is not responsible for effecting service of process. Plaintiff is advised that, under Rule 4(c)(2), "[s]ervice may be effected by any person *who is not a party* and who is at least 18 years of age." (Emphasis added.) That means that Plaintiff is not permitted to serve process himself, and must find a qualified person to serve process upon the amended complaint pursuant to the Federal Rules of Civil Procedure. If Plaintiff cannot do so, he may move the Court, at a later date, to direct the United States Marshals Service to effect service of process. If Plaintiff chooses to file such a motion, his request must be supported by an

explanation, in writing, of the steps he took to locate a qualified person to serve process on the amended complaint, and why he was unsuccessful.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File Amended Complaint (Doc. 10) is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall file Exhibit 1 (Doc. 10-1) to the Motion as the operative Complaint in this matter.

IT IS FURTHER ORDERED that Plaintiff shall cause service of process to be effected upon the amended complaint in accordance with the Federal Rules of Civil Procedure.

A handwritten signature in black ink, appearing to read "Shirley Padmore", is written over a horizontal line.

SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 31st day of May, 2022.